

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

TAREK HELOU (CABN 218225)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Facsimile: (415) 436-7234
Tarek.J.Helou@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 11-71139-MAG
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER FED. R. CRIM.
)	P. 5.1 & 18 U.S.C. § 3161 AND CHANGING
ALFREDO MARTINEZ-LUEVANO,)	DATE FOR ARRAIGNMENT
)	CURRENT DATE: NOVEMBER 4, 2011
Defendant.)	CURRENT TIME: 9:30 A.M.
)	PROPOSED DATE: NOVEMBER 18, 2011
)	PROPOSED TIME: 9:30 A.M.

1 On October 7, 2011, the defendant made his initial appearance on a warrant issued upon a
 2 Criminal Complaint. On October 12, 2011, the Court detained the defendant pending trial. The
 3 Court later approved the parties' request, under Rule 5.1, to extend the last date for the
 4 preliminary hearing or arraignment to November 4, 2011.

5 The parties now stipulate and jointly request that, pursuant to Federal Rule of Criminal
 6 Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from November
 7 4, 2011 through November 18, 2011. The parties agree that, taking into account the public
 8 interest in prompt disposition of criminal cases, good cause exists for this extension. The parties
 9 also request that time be excluded under the Speedy Trial Act from November 4, 2011 through
 10 November 18, 2011 because the Government will produce discovery to the defendant soon, and
 11 the defendant will need time to review it and to conduct necessary investigation.

12 The parties further request that the Court change the date for the defendant's preliminary
 13 hearing or arraignment from November 4, 2011 at 9:30 a.m. to November 18, 2011 at 9:30 a.m.

14
 15
 16 STIPULATED:

17 MELINDA HAAG
 18 United States Attorney

19 DATED: October 24, 2011

20 /s/
 21 TAREK HELOU
 22 Assistant United States Attorney

23 DATED: October 24, 2011

24 /s/
 25 DANIEL BLANK
 26 Attorney for Defendant Alfredo Martinez-Luevano

27 //

28 //

//

//

ORDER

For the reasons stated above, the Court finds that exclusion of time from November 4, 2011 through November 18, 2011 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv). The Court also vacates the currently scheduled November 4, 2011 arraignment and sets the defendant's arraignment on November 18, 2011 at 9:30 a.m.

SO ORDERED.

DATED: 10/31/11



THE HONORABLE TIMOTHY J. BOMMER
United States Magistrate Judge